

REMARKS

The specification has been amended to remove the embedded executable hyperlinks as suggested by the Examiner. No new matter has been introduced. A copy of Sottrup-Jensen *et al.*, Proc. Natl. Acad. Sci. USA 81(23):7353 (1984), which is identified as C148 on the modified form 1449 submitted by Applicant on April 3, 2002, is submitted herewith for the Examiner's consideration.

Claims 50-55 will be pending before the Examiner upon entry of the above amendments.

Claims 6 and 7 are rejected under 37 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 5-8, 10, 12-14, 19-21, 39, 42, 46, and 47 are rejected under 37 U.S.C. § 112, first paragraph, for that the specification fails to reasonably provide enablement for nucleic acids of recited percentage sequence identities or nucleic acids that encode polypeptides of recited percentage sequence identities. Claims 39 and 42 are rejected under 37 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Claim 10 is rejected under 35 U.S.C. § 102(b) as being anticipated by Adams *et al.*, Nature 377(6547 Suppl): 3 (1995). In order to expedite prosecution, these claims have been canceled without prejudice. Therefore, the rejections are moot and should be withdrawn. Applicant reserves the right to prosecute the subject matter of claims 5-8, 10, 12-14, 19-21, 39, 42, and 46-47 in a related application.

According to the Examiner, claims 50-55 are allowed (March 24, 2004 Office Action, page 4).

Applicant: Padigaru
USSN: 10/037,417

CONCLUSION

Applicant respectfully requests that the amendments and remarks made herein be entered and made of record in the file history of the present application. Applicant respectfully submits that the pending claims are in condition for allowance. If there are any questions regarding these amendments and remarks, the Examiner is encouraged to contact the undersigned at the telephone number provided below.

Respectfully submitted,

Date: June 24, 2004

Christine K. Stork, Reg. No.
Iyor R. Elrifi, Reg. No. 39,529
45,899
Attorney for Applicant
c/o MINTZ, LEVIN
Tel: (617) 542-6000
Fax: (617) 542-2241
Customer No. 30623

Enclosure

TRA 1932747v1